



File: A090/20

Applicant: Tony and Maria Peluso

Address: 37 Water Garden Lane, Woodbridge

Agent: None

Please note that comments and written public submissions received after the preparation of this Staff Report (up until noon on the last business day prior to the day of the scheduled hearing date) will be provided as an addendum.

Commenting Department	<input checked="" type="checkbox"/> Positive Comment	Condition(s) <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
	<input checked="" type="checkbox"/> Negative Comment	
Committee of Adjustment	<input checked="" type="checkbox"/>	
Building Standards	<input checked="" type="checkbox"/>	
Building Inspection	<input checked="" type="checkbox"/>	
Development Planning	<input checked="" type="checkbox"/>	
Cultural Heritage (Urban Design)		
Development Engineering	<input checked="" type="checkbox"/>	
Parks, Forestry and Horticulture Operations	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
By-law & Compliance		
Financial Planning & Development	<input checked="" type="checkbox"/>	
Fire Department		
TRCA		
Ministry of Transportation	<input checked="" type="checkbox"/>	
Region of York	<input checked="" type="checkbox"/>	
Alectra (Formerly PowerStream)	<input checked="" type="checkbox"/>	
Public Correspondence (see Schedule B)		

Adjournment History: None

Background History: None

Staff Report Prepared By: Adriana MacPherson
Hearing Date: Thursday, October 22, 2020



**Minor Variance
Application**

Agenda Item: 7

A090/20

Ward: 2

Staff Report Prepared By: Adriana MacPherson, Assistant Secretary Treasurer

Date & Time of Live Stream Hearing: Thursday, October 22, 2020 at 6:00 p.m.
As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

A live stream of the meeting is available at Vaughan.ca/LiveCouncil

Please submit written comments by mail or email to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

To make an electronic deputation at the meeting please contact the Committee of Adjustment at cofa@vaughan.ca or 905-832-8504. Ext. 8332

Written comments or requests to make a deputation must be received by noon on the last business day before the meeting.

- Applicant:** Tony and Maria Peluso
- Agent:** None
- Property:** **37 Water Garden Lane, Woodbridge**
- Zoning:** The subject lands are zoned RV4 9(988) and subject to the provisions of Exception under By-law 1-88 as amended.
- OP Designation:** Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"
- Related Files:** None
- Purpose:** Relief from By-law 1-88, as amended, is being requested to permit the construction of a proposed pool. Relief is also being requested to permit the existing shed located in the rear yard.

The following variances are being requested from By-Law 1-88, as amended, to accommodate the above proposal:

By-law Requirement	Proposal
1. A minimum interior side yard setback of 1.5 metres is required to a private inground swimming pool.	1. To permit a minimum easterly interior side yard setback of 0.91 metres to a private inground swimming pool.
2. A minimum rear yard setback of 1.5 metres is required to a private inground swimming pool.	2. To permit a minimum rear yard setback of 0.92 metres to a private inground swimming pool.
3. A minimum interior side yard setback of 1.2 metres is required to an accessory structure (9.69 m2 shed).	3. To permit a minimum westerly interior side yard setback of 0.3 metres to an accessory structure (9.69 m2 shed).
4. A minimum rear yard setback of 7.5 metres is required to an accessory structure (9.69 m2 shed).	4. To permit a minimum rear yard setback of 0.3 metres to an accessory structure (9.69 m2 shed).

Background (previous applications approved by the Committee on the subject land): None

For information on the previous approvals listed above please visit www.vaughan.ca. To search for a file number, enter it using quotes around it. For example, "A001/17".

To search property address, enter street number and street name using quotes. For example, "2141 Major Mackenzie". Do not include street type (i.e. drive).

Adjournment History: None

Staff & Agency Comments

Please note that staff/agency comments received after the preparation of this Report will be provided as an addendum item to the Committee. Addendum items will shall only be received by the Secretary Treasurer until **noon** on the last business day **prior** to the day of the scheduled Meeting.

Committee of Adjustment:

Public notice was mailed on October 7, 2020

Applicant confirmed posting of signage on October 6, 2020

Property Information	
Existing Structures	Year Constructed
Dwelling	1999
Shed	1999
Pool	TBC

Applicant has advised that they cannot comply with By-law for the following reason(s): To allow for adequate space for greenery, landscaping and sitting area.

Adjournment Request: None

Building Standards (Zoning Review):

Stop Work Order(s) and Order(s) to Comply: There are no outstanding Orders on file.

Applicant to please contact the Building Standards Department to determine if a building permit is required for the detached accessory structure (existing shed).

A permit must be obtained from the Engineering Department for the proposed inground pool.

A detached accessory structure (shed) is shown in the rear yard and must be reviewed by Zoning staff. Applicant to please fill out Section 2, Size of all Existing and/or Proposed Buildings and Structures, on the Subject Land with respect to the shed. With respect to height, identify height to nearest part of the roof, and the highest point of the roof (refer to 4.1.1 Accessory Buildings and Structures in Zoning By-law 1-88). Applicant to please submit a revised Site Plan, as dimensions and information are not legible. A variance appears to be required for minimum interior setback and minimum rear setback (but will be confirmed upon receipt of a revised, legible Site Plan). Additional comments may be forthcoming, depending upon receipt of information.

Requirements for eave and gutter projections for the shed cannot be verified until complete details have been provided for said structure, however, Applicant to verify and dimension eave and gutter projection for the shed on the Site Plan.

The applicant shall be advised that additional variances may be required upon review of detailed drawing for building permit.

Building Inspections (Septic):

No comments or concerns.

Development Planning:

Vaughan Official Plan 2010 ('VOP 2010'): "Low-Rise Residential"

The Owner is requesting permission to construct a swimming pool and maintain an existing shed in the rear yard with the above-noted variances.

Variances 1 and 2 are considered minor in nature as the setbacks are to pinch points of the swimming pool and do not adversely impact the neighbouring property. Development Engineering staff have reviewed the reduced setbacks to the existing sheds and have no concerns with the drainage along the property line for the subject property. As the existing height of the shed complies with the maximum building height, Variances 3 and 4 are considered minor in nature.

Accordingly, the Development Planning Department is of the opinion that the variances are minor in nature, maintain the general intent and purpose of the Official Plan and Zoning By-law, and are desirable for the appropriate development of the land.

The Development Planning Department recommends approval of the application.

Cultural Heritage (Urban Design):

No Response.

Development Engineering:

The Development Engineering Department requires 0.6m setback from property line to remain undisturbed to ensure the property lines swales have not been affected. In this case the applicant has already completed construction of the existing shed with a 0.3m setback from the rear and side yard.

The owner/applicant has confirmed through construction, the swales have not been disturbed and a layer of clear stone has been placed surrounding the shed to ensure proper drainage.

The applicant/owner has also obtained sign-off from all adjacent neighbours confirming there have been no conflicts or drainage issues since the time of construction of the existing shed. Therefore, Development Engineering Department has no objection to the proposed minor variance application A090/20.

Parks, Forestry and Horticulture Operations:

Tree Protection Fencing is to be installed to minimize the impact on the trees (over 20cm DBH) to be preserved prior demolition/construction and is to remain until the construction is completed. (applicable to Private and Public trees) as per By-Law 052-2018;

MLA 107B or ULA 110B Light Duty Tree protection fencing (Snow Fence) may be used where traffic sight lines will be affected within the road allowance, as per By-Law 052-2018;

No construction activity, grade changes, surface treatment, excavations of any kind or material storage is permitted within the Tree Protection Zone;

Tree protection & preservation methods must be followed according to City of Vaughan By-law (052-2018);

Municipal By-law 052-2018 directs that municipal and private trees shall be protected during all phases of construction. MLA-107B Light Duty Tree Hoarding Protection Detail (Snow Fence) shall be used for trees within the road allowance and MLA-107A Heavy Duty Tree Protection Detail (Plywood) for all other trees;

Municipal By-law 052-2018 direct that if a tree is damaged or requires removal that monetary compensation and expenses shall be paid.

Recommended condition of approval:

Tree Protection, MLA 107B or ULA 110B Light Duty Hoarding shall be installed to protect the front yard city tree during all phases of construction to the satisfaction of Vaughan Forestry.

By-Law and Compliance, Licensing and Permit Services:

No comments.

Financial Planning and Development Finance:

No comment no concerns.

Fire Department:

No comments.

Schedule A – Plans & Sketches**Schedule B – Public Correspondence**

None

Schedule C - Agency Comments

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

Schedule D - Previous Approvals (Notice of Decision)

N/A

Staff Recommendations:

Staff and outside agencies (i.e. TRCA) act as advisory bodies to the Committee of Adjustment. Comments received are provided in the form of recommendations to assist the Committee.

The Planning Act sets the criteria for authorizing minor variances to the City of Vaughan's Zoning By-law. Accordingly, review of the application considers the following:

- ✓ That the general intent and purpose of the by-law will be maintained.
- ✓ That the general intent and purpose of the official plan will be maintained.
- ✓ That the requested variance(s) is/are acceptable for the appropriate development of the subject lands.
- ✓ That the requested variance(s) is/are minor in nature.

Should the Committee find it appropriate to approve this application in accordance with request and the sketch submitted with the application as required by Ontario Regulation 200/96, the following conditions have been recommended:

	Department/Agency	Condition
1	Parks, Forestry and Horticulture Operations Patrick Courchesne 905-832-8585 x 3617/x3615/x3614 Patrick.Courchesne@vaughan.ca	Tree Protection, MLA 107B or ULA 110B Light Duty Hoarding shall be installed to protect the front yard city tree during all phases of construction to the satisfaction of Vaughan Forestry.

Conditions

It is the responsibility of the owner/applicant and/or authorized agent to obtain and provide a clearance letter from respective department and/or agency. This letter must be provided to the Secretary-Treasurer to be finalized. All conditions must be cleared prior to the issuance of a Building Permit.

Please Note:

Relief granted from the City’s Zoning By-law is determined to be the building envelope considered and approved by the Committee of Adjustment.

Development outside of the approved building envelope (subject to this application) must comply with the provisions of the City’s Zoning By-law or additional variances may be required.

Elevation drawings are provided to reflect the style of roof to which building height has been applied (i.e. flat, mansard, gable etc.) as per By-law 1-88 and the Committee of Adjustment approval. Please note, that architectural design features (i.e. window placement), that do not impact the style of roof approved by the Committee, are not regulated by this decision.

Notice to the Applicant – Development Charges

That the payment of the Regional Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Regional Development Charges By-law in effect at the time of payment.

That the payment of the City Development Charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the City’s Development Charges By-law in effect at the time of payment.

That the payment of the Education Development Charge if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and the Boards of Education By-laws in effect at the time of payment

That the payment of Special Area Development charge, if required, is payable to the City of Vaughan before issuance of a building permit in accordance with the Development Charges Act and The City’s Development Charge By-law in effect at the time of Building permit issuance to the satisfaction of the Reserves/Capital Department.

Notice to Public

PLEASE NOTE: As a result of COVID-19, Vaughan City Hall and all other City facilities are closed to the public at this time.

PUBLIC CONSULTATION DURING OFFICE CLOSURE: Any person who supports or opposes this application, but is unable to attend the hearing, may make a written submission, together with reasons for support or opposition. Written submissions on an Application shall only be received until **noon** on the last business day **prior** to the day of the scheduled hearing. Written submissions can be mailed and/or emailed to:

City of Vaughan
Office of the City Clerk – Committee of Adjustment
2141 Major Mackenzie Drive, Vaughan, ON L6A 1T1
cofa@vaughan.ca

ELECTRONIC PARTICIPATION: During the COVID-19 emergency, residents can view a live stream of the meeting Vaughan.ca/LiveCouncil. To make an electronic deputation, residents must complete and submit a [Public Deputation Form](#) no later than **noon** on the last business prior to the scheduled hearing. To obtain a Public Deputation Form please contact our office or visit www.vaughan.ca

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

Presentations to the Committee are generally limited to 5 minutes in length. Please note that Committee of Adjustment meetings may be audio/video recorded. Your name, address comments and any other personal information will form part of the public record pertaining to this application.

PUBLIC RECORD: Personal information is collected under the authority of the Municipal Act, the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), the Planning Act and all other relevant legislation, and will be used to assist in deciding on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will become property of the City of Vaughan, will be made available for public disclosure (including being posted on the internet) and will be used to assist the Committee of Adjustment and staff to process this application.

NOTICE OF DECISION: If you wish to be notified of the decision in respect to this application or a related Local Planning Appeal Tribunal (LPAT) hearing you must complete a Request for Decision form and submit to the Secretary Treasurer (ask staff for details). In the absence of a written request to be notified of the Committee's decision you will **not** receive notice.

For further information please contact the City of Vaughan, Committee of Adjustment

Adriana MacPherson

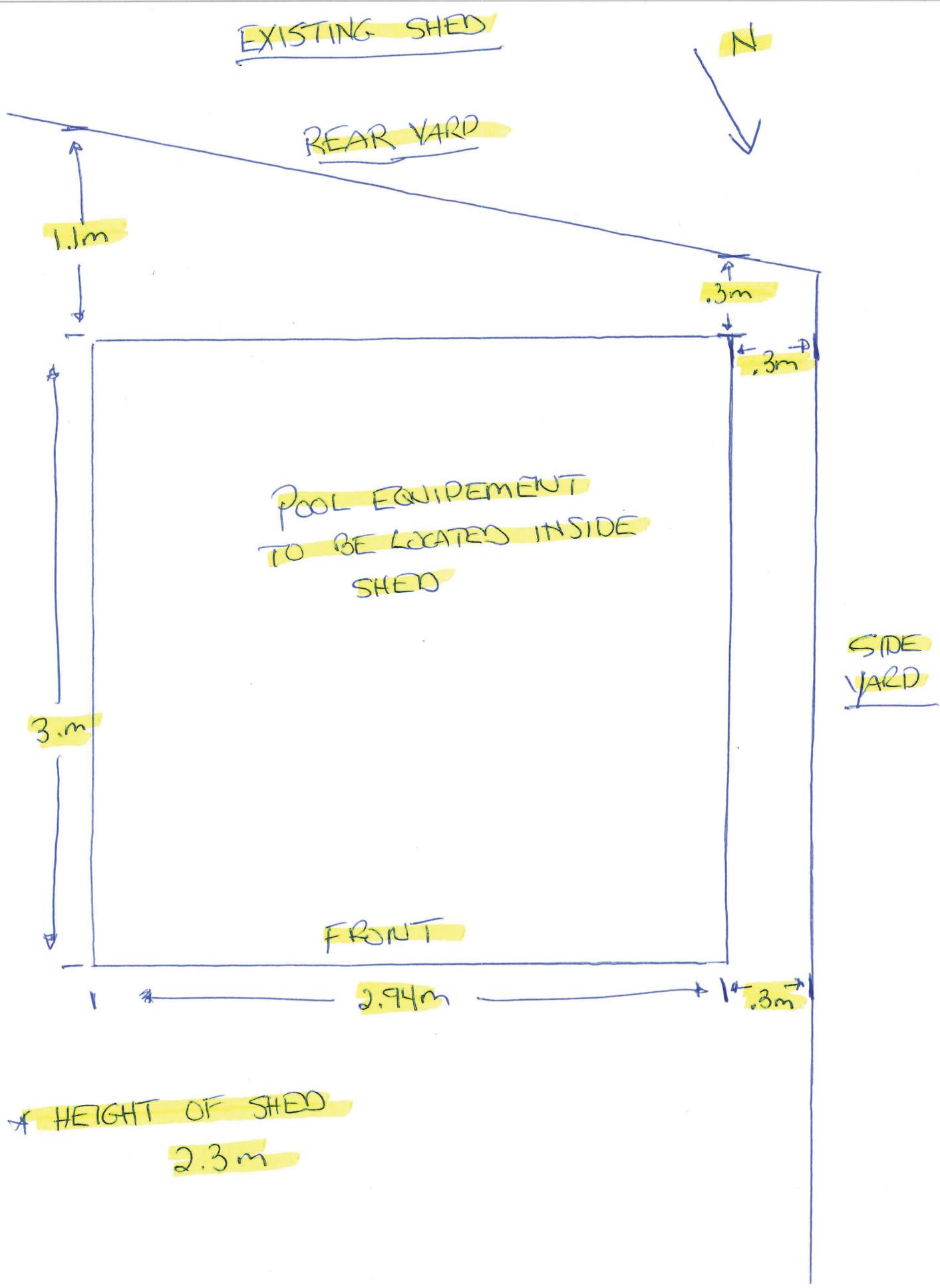
T 905 832 8585 Extension 8360

E CofA@vaughan.ca

Schedule A: Plans & Sketches

Please note that the correspondence listed in Schedule A is not comprehensive. Plans & sketches received after the preparation of this staff report will be provided as an addendum.

Location Map
Plans & Sketches



* HEIGHT OF SHED
2.3m

Schedule B: Public Correspondence Received

Please note that the correspondence listed in Schedule B is not comprehensive. Written submissions received after the preparation of this staff report will be provided as an addendum.

None

Schedule C: Agency Comments

Please note that the correspondence listed in Schedule C is not comprehensive. Comments received after the preparation of this staff report will be provided as an addendum.-

Alectra (Formerly PowerStream) – No concerns or objections

Region of York – No concerns or objections

MTO – Located outside of MTO permit control area

COMMENTS:

- We have reviewed the proposed Variance Application and have no comments or objections to its approval.
- We have reviewed the proposed Variance Application and have no objections to its approval, subject to the following comments (attached below).
- We have reviewed the proposed Variance Application and have the following concerns (attached below).

Alectra Utilities (formerly PowerStream) has received and reviewed the proposed Variance Application. This review, however, does not imply any approval of the project or plan.

All proposed billboards, signs, and other structures associated with the project or plan must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

In the event that construction commences, and the clearance between any component of the work/structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event construction is completed, and the clearance between the constructed structure and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings)
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream(Construction Standard 03-1, 03-4, 03-9), attached
- Canadian Standards Association, latest edition (Basic Clearances)

If more information is required, please contact either of the following:

Mr. Stephen Cranley, C.E.T
Supervisor, Distribution Design, ICI & Layouts (North)
Phone: 1-877-963-6900 ext. 31297

Mr. Tony D'Onofrio
Supervisor, Subdivisions (Alectra East)
Phone: 1-877-963-6900 ext. 24419

E-mail: stephen.cranley@alectrautilities.com

Email: tony.donofrio@alectrautilities.com

MacPherson, Adriana

Subject: FW: A090/20 - Request for Comments

From: Hajjar, Alexander (MTO) <Alexander.Hajjar@ontario.ca>

Sent: September-25-20 9:51 AM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>

Cc: Vigneault, Christine <Christine.Vigneault@vaughan.ca>; Scholz, Kevin (MTO) <Kevin.Scholz@ontario.ca>; Committee of Adjustment <CofA@vaughan.ca>

Subject: [External] RE: A090/20 - Request for Comments

Good Morning Adriana,

MTO has reviewed the subject land(s) located at 37 Watergarden Ln. in the City of Vaughan. The subject lands are outside the MTO permit control area and therefore do not require a permit from this office.

Best Regards,

Alexander Hajjar

Transportation Technician

Highway Corridor Management Section

Ministry of Transportation, MTO

416.235.4504

MacPherson, Adriana

Subject: FW: A090/20 - Request for Comments

From: Hurst, Gabrielle <Gabrielle.Hurst@york.ca>

Sent: October-05-20 8:29 AM

To: MacPherson, Adriana <Adriana.MacPherson@vaughan.ca>; Providence, Lenore <Lenore.Providence@vaughan.ca>; Attwala, Pravina <Pravina.Attwala@vaughan.ca>

Subject: [External] RE: A090/20 - Request for Comments

Good Morning Adriana,

The Regional Municipality of York has completed its review of the above minor variance and has no comment.

Regards,

Gabrielle

Gabrielle Hurst MCIP RPP | Community Planning and Development Services | The Regional Municipality of York | 1-877-464-9675 ext 71538 | Gabrielle.hurst@york.ca | www.york.ca